IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5018 OF 2007

Malikarjuna Sangappa Umbarje .. Petitioner

V/s

Director General & Inspector General of Police (M.S.) & Anr. .. Respondents

Mr.N.V. Bandiwadekar for the petitioner.

Mr.V.P. Malvankar, A.G.P. for respondents no.1 and 2.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 3RD JULY 2007

P.C. :

. Heard. Rule, returnable forthwith.

2. The petitioner has approached to this Court challenging the order passed by the Vice President of Maharashtra Administrative Tribunal (MAT) on 22nd June 2007 thereby vacating the interim relief granted on 11th June 2007 in O.A. No. 296 of 2007. This O.A. was filed on 4th June 2007 and after hearing both the sides, the interim order was passed on 11th June 2007 and by the said order, the transfer order of the petitioner from the post of SDPO, Mangalvedha to ACP, Pune City was stayed on the ground that the petitioner has not completed 3 years. Thereafter the matter was due on

25th June 2007 for reply of the State Government. The State Government has not filed its reply, and instead on 21st June 2007 M.A. No.151 of 2007 was filed. It appears that the said M.A. No.151 of 2007 was heard on 22nd June 2007 and the impugned order was passed.

3. In fact, when the main O.A. was to appear on 25th June 2007, the Tribunal should not have made any haste in disposing of the M.A. Surprisingly enough, the interim relief was granted on the ground that 3 years have not been completed and the interim relief was vacated on the ground that the consent of the next higher authority was obtained. What happened to the main ground relying upon which the relief was granted, that has not been discussed in the impugned order. What we find is that the procedure and the manner in which the interim order has been vacated is contrary to judicial discipline and the propriety which we regularly follow. Nothing would have happened if the matter would have been heard regularly on 25th June 2007 after getting a reply to the main O.A. We also find it very surprising that instead of answering the O.A., the M.A. was taken by the Government for the reasons best known to them. The result ultimately remains that the procedure as followed by the MAT is not a procedure in consonance with the judicial discipline and, therefore, we are inclined to quash the order dated 22nd June 2007

and we hereby quash and set aside the said order dated 22nd June 2007 passed on M.A. 151 of 2007 in O.A. No.296 of 2007.

4. We are told at the bar that the petitioner is not yet relieved and, therefore, we find it appropriate that till the main prayer in the interim application is heard, the parties shall maintain status quo as on today. We direct the MAT to hear the matter on interim relief, after getting a reply from the Government, within a period of 4 weeks from today on its own merits.

5. The petition stands disposed of with the above order.

(D.G. KARNIK, J.) (S.B. MHASE, J.)